

Electronic Products Recycling Program

Chapter 173-900 WAC

Phase 1 Rule making

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Part I: General Requirements	
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<p>WAC 173-900-010 Purpose.</p> <p>The Washington state legislature has required that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products be established throughout the state. The legislature determined that such a system must encourage the design of electronic products that are less toxic and more recyclable and that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.</p> <p>This chapter implements the Electronic Product Recycling Act, RCW 70.XXXXXX. This chapter:</p> <ul style="list-style-type: none"> • defines the administrative and enforcement responsibilities delegated to the department of ecology; and • describes the processes and procedures that Ecology will use to carry out those responsibilities. 	<p>NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.</p>
<p>WAC 173-900-020 Applicability.</p> <p>(1) This chapter applies to:</p> <ul style="list-style-type: none"> (a) Any manufacturer, as defined in RCW 70.XXXXXX. (b) Any person who collects or transports covered electronic products in Washington state for recycling. (c) Any person who processes covered electronic products for the standard plan or an independent plan under this chapter. (d) Any retailer that sells electronic products in or into Washington state. (e) Local government. 	

Draft Rule Language	Bill Language
<p>WAC 173-900-030 Definitions.</p> <p>"Authority" means the Washington materials management and financing authority.</p> <p>"Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.</p> <p>"Board" means the board of directors of the Washington materials management and financing authority.</p> <p>"Collector" means an entity that is licensed to do business in the state and that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by Ecology.</p> <p>"Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.</p> <p>"Covered electronic product" includes any one of the following four types of products that has been used in the state by any covered entity, regardless of original point of purchase:</p> <ul style="list-style-type: none"> (a) A cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; (b) A desktop computer;,, (c) A laptop or a portable computer; or (d) A cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally. <p>"Covered electronic product" does not include:</p> <ul style="list-style-type: none"> (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) Monitoring and control instruments or systems; (c) Medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) Equipment used in the delivery of patient care in a health care setting; (f) A computer, computer monitor, or television that is contained within a clothes 	<p>All definitions come from the Electronic Product Recycling Act except for:</p> <ul style="list-style-type: none"> • Ecology • Desktop • Computer • Monitor • Television • Laptop • Portable computer • Video display device

washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

- (g) Hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

"Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

"Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

"Computer" means a machine designed for manipulating data according to a list of instructions known as a program. A computer is the machine, a keyboard, a mouse and a video display device that has a viewable area greater than four inches when measured diagonally. It does not include embedded computers that are used to control another device such as those in cars, digital cameras, cell phones, video gaming toys and equipment, or personal digital assistants.

"Desktop" is a computer.

"Ecology" means the department of ecology.

"Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

"Equivalent share" means the weight in pounds of covered electronic products identified for an individual manufacturer as described in this chapter.

"Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

"Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

"Laptop" is a computer.

"Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

- (a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;
- (b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand

<p>names;</p> <p>(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;</p> <p>(d) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer;</p> <p>(e) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if the imported covered electronic product is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer. For purposes of this subsection, "presence" means any person that performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution; or</p> <p>(f) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in (e) of this subsection, and elects to register in lieu of the importer as the manufacturer for those products.</p> <p>"Monitor" is a video display device without a tuner that can display pictures and sound.</p> <p>"New entrant" means:</p> <p>(a) A manufacturer of televisions that have been sold in the state for less than ten years; or</p> <p>(b) A manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years.</p> <p>(c) However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.</p> <p>"Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.</p> <p>"Person" means any individual, manufacturer, transporter, collector, processor, retailer, charity, non-profit organization, or government agency.</p> <p>"Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.</p> <p>"Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.</p>	
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<p>“Portable computer” is a computer.</p> <p>"Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.</p> <p>"Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and Ecology. A processor may also salvage parts to be used in new products.</p> <p>"Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.</p> <p>"Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.</p> <p>"Program year" means each full calendar year after the program has been initiated.</p> <p>"Recycling" means transforming or remanufacturing unwanted electronic products, components, and byproducts into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and byproducts with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.</p> <p>"Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.</p> <p>"Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by Ecology.</p> <p>"Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.</p> <p>"Small business" means a business employing less than fifty people.</p> <p>"Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.</p> <p>"Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.</p> <p>“Television” is a video display device with a tuner able to receive and output radio frequency waves or digital signals to display pictures and sounds.</p>	
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<p>"Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.</p> <p>"Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.</p> <p>"White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.</p> <p>"Video display devices" include units capable of presenting images electronically on a screen viewed by the user and may include cathode ray tubes, flat panel computer monitors, plasma display, liquid crystal displays, and other similar displays that exist or may be developed.</p>	
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Draft Rule Language	Bill Language
<p>WAC 173-900-040 Required Brand Labeling.</p> <ul style="list-style-type: none"> (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. (2) The label must be permanently affixed and readily visible. (3) In-state retailers in possession of unlabeled electronic products on January 1, 2007, may exhaust their stock through sales to the public. 	<p><u>NEW SECTION. Sec. 16</u></p> <p>(1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.</p> <p>(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.</p>
<p>WAC 173-900-050 Enforcement.</p> <ul style="list-style-type: none"> (1) After January 1, 2009, no manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. If the manufacturer does not participate in an approved recycling plan: <ul style="list-style-type: none"> (a) Ecology will send a written warning, by certified mail, to a manufacturer informing the manufacturer that it must participate in an approved plan within thirty days of the notice. (b) Every 30 days after receipt of the initial written warning, Ecology will assess a written penalty of up to ten thousand dollars for each violation after the receipt of the initial warning. (2) If after January 1, 2009, the authority or any authorized party fails to implement their Ecology approved plan: <ul style="list-style-type: none"> (a) Ecology will assess a written penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. (b) Every thirty days after receipt of the initial written penalty, Ecology will assess a written penalty of up to ten thousand dollars for the second and each subsequent violation. (3) Ecology will issue a written warning to any person that does not comply with the following requirements in this chapter: <ul style="list-style-type: none"> (a) Registration requirements for manufacturers after January 1, 2007; (b) Labeling requirements after January 1, 2007. (c) The sale or offering for sale of an electronic product manufactured by an unregistered manufacturer after January 1, 2007. 	<p><u>NEW SECTION. Sec. 27.</u></p> <p>(1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.</p> <p>(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.</p> <p>(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this</p>

<p>(d) The sale or offering for sale of an electronic product from a manufacturer not participating in an active plan after January 1, 2009</p> <p>(e) Collector or transporter registration requirements after September 1, 2008.</p> <p>(f) Failure to complete any of the requirements in subsection (3)(a) – (3)e of this section constitutes a separate violation.</p> <p>(4) The written warning in subsection 3 of this section will include a copy of the requirements and let the recipient know they must come into compliance immediately.</p> <p>(5) Every 30 days after receipt of the written warning in subsection 3 of this section, Ecology will assess a written penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation after the receipt of the initial warning.</p> <p>(6) When the violation consists of the sale or offer for sale of a covered electronic product each unit offered for sale or sold is a separate violation. For example seven desktops offered for sale without proper labeling will result in seven separate violations.</p> <p>(7) Ecology will deposit all penalties levied under this section into the electronic products recycling account created under RCW 70.XXXX.</p>	<p>act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under sections 25 and 26 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.</p> <p>(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.</p> <p>(5) The department shall enforce this section.</p>
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Part II: Manufacturers	
Draft Rule Language	Bill Language
<p>WAC 173-900-200 Manufacturer Registration</p> <ul style="list-style-type: none"> (1) A manufacturer is registered with Ecology when Ecology posts the manufacturer's name and brand names on the "Electronic Product Recycling Program Registered Manufacturers List" on the agency web site. (2) Ecology will post a manufacturer on the list after Ecology has determined the manufacturer has met the requirements in this section. (3) Registration under this chapter is only for purposes of administering the Electronic Product Recycling Program, and does not constitute endorsement by Ecology of a particular registrant <p>Manufacturer Annual Registration Form.</p> <ul style="list-style-type: none"> (4) Manufacturers must submit an annual registration form to Ecology. The registration form must be received by Ecology by January 1 of each calendar year . (5) If a manufacturer does not submit a registration form by January 1 of each calendar year: <ul style="list-style-type: none"> (a) The manufacturer's electronic products can not be sold or offered for sale in Washington state; and (b) The manufacturer is subject to enforcement under WAC 173-900-050 of this chapter. (6) The manufacturer must use the form provided by Ecology which must include all of the following: <ul style="list-style-type: none"> (a) The name, contact, and billing information of the manufacturer; (b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility; <ul style="list-style-type: none"> (i) Picture and description of each brand label including different colors in which that label may appear (c) The method or methods of sale used in the state; and (d) Recycling plan participation information. (7) The registration form must be signed by the individual responsible for implementing the company's requirements under this chapter. The signature certifies the company has provided accurate and complete information on the form and understands their responsibilities under the Electronic Product Recycling Program. 	<p>NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.</p> <p>(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section of this act.</p> <p>(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.</p> <p>(4) The registration must include the following information:</p> <ul style="list-style-type: none"> (a) The name and contact information of the manufacturer submitting the registration; (b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act; (c) The method or methods of sale used in the state; and (d) Whether the registrant will be participating in the standard plan or submitting an

<div><div><div><div><div><div>(8)</div><div>Within 60 days of receiving the registration form, Ecology will perform a completeness review, and if deficiencies are found, Ecology will provide notice to the manufacturer identifying deficiencies in the form and requesting a revised form.</div></div><div><div><div>(9)</div><div>Within 30 days of receiving a notice of deficiency, the manufacturer must submit to Ecology a revised registration form correcting the deficiencies.</div></div><div><div><div>(10)</div><div>Updates: The manufacturer must submit any changes to the information provided in the registration form to Ecology within 14 days of such change. Ecology will review the changes under the review process described in this section.</div></div><div><div><div>(11)</div><div>The individual responsible for implementing the company’s requirements under this chapter must either submit:<div><div><div>(a)</div><div>The registration form to the Department of Ecology - Electronic Product Recycling Program electronically, or</div></div><div><div><div>(b)</div><div>One paper copy of the registration form delivered to one of the following addresses:<div><div><div>For U.S. Postal Service:<div><div>Department of Ecology</div><div>Electronic Product Recycling</div><div>Solid Waste and Financial Assistance Program</div><div>PO Box 47600</div><div>Olympia, WA 98504-7600</div></div></div><div>Or</div><div><div><div>For Courier:<div><div>Department of Ecology</div><div>Electronic Product Recycling</div><div>Solid Waste and Financial Assistance Program</div><div>300 Desmond Drive</div><div>Lacey, WA 98503</div></div></div></div></div></div></div></div><div><div><div>Administrative Fee.</div><div><div><div>(12)</div><div>All manufacturers must pay an annual administrative fee to Ecology that covers Ecology’s costs associated with administering the chapter.</div></div><div><div><div>(13)</div><div>Ecology will provide written notification of the administrative fee by mail or electronic mail to registered manufacturers. Ecology will send this notice no later than November 1 of each calendar year.</div></div><div><div><div>(14)</div><div>If a manufacturer does not pay their administrative fee:<div><div><div>(a)</div><div>Ecology will take action to exclude or remove the manufacturer’s name from the</div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div>	<div><div>independent plan to the department for approval.</div><div><div><div>(5)</div><div>The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.</div></div><div><div><div>(6)</div><div>The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.</div></div></div></div><div><div><div>NEW SECTION. Sec. 23.</div><div><div><div>(1)</div><div>Ecology shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.</div></div><div><div><div>(2)</div><div>Ecology shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years.</div></div></div></div></div></div></div>
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<p>Electronic Product Recycling Program Registered Manufacturers List;</p> <p>(b) The manufacturer’s electronic products can not be sold or offered for sale in Washington state; and</p> <p>(c) The manufacturer is subject to enforcement under WAC 173-900-050 of this chapter.</p> <p>Administrative Fee calculation will be inserted here.</p> <p>Place Holder.</p>	<p>All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by Ecology to implement this chapter.</p> <p>(3) Ecology shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by Ecology in reviewing plan updates and revisions.</p> <p>(4) Ecology may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.</p>
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Part III: Transporters and Collectors

Draft rule language	Bill language
<p>WAC 173-900-300 Transporter and Collector registration.</p> <p>(1) A transporter or collector is registered with Ecology when Ecology posts the transporter or collector’s company name on the “Electronic Product Recycling Program Transporter or Collector Registration List” on the agency web site. This means the transporter or collector has met the registration form requirements in this section.</p> <p>(2) If a transporter or collector is not registered with Ecology the covered electronic products they have collected can not be accepted by the standard plan or an independent plan.</p> <p>(3) Registration under this chapter is only for purposes of administering the Electronic Product Recycling Program, and does not constitute endorsement by Ecology of a particular registrant.</p> <p>(4) Each transporter or collector of covered electronic products who wants to receive reimbursement for their product from the standard or an independent plan must submit an annual registration form to Ecology.</p> <p>(a) New registration: Transporters or collectors not currently registered with Ecology under this chapter may submit their registration form to Ecology at any time.</p> <p>(b) Annual renewals: Ecology will accept registration renewals only between July 1 and September 1 of each calendar year. If a renewal is not received during this time period the transporter or collector will no longer be registered with Ecology and their name will be removed from the registration list.</p> <p>(5) The transporter or collector must use the registration form provided by Ecology and must include all of the following:</p> <p>(a) Contact and location information;</p> <p>(b) Business license information;</p> <p>(c) Operating permit information;</p> <p>(d) Description of services provided; and</p> <p>(e) Geographic areas where services are provided.</p> <p>(6) The registration form must be signed by the individual responsible for implementing the requirements under this chapter for the transporter or collector. The signature certifies the company has provided accurate and complete information on the form and is in compliance with all applicable state laws and regulations.</p>	<p>NEW SECTION. Sec. 24.</p> <p>(1) Each collector and transporter of covered electronic products in the state must register annually with Ecology. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. Ecology shall develop a single form for registration of both collectors and transporters.</p> <p>(2) Each processor of covered electronic products utilized by an independent or standard plan must register annually with Ecology. The registration must include identification information and documentation of any necessary operating permits issued by state or local authorities.</p>

	<p>(7) The transporter or collector must either submit:</p> <ul style="list-style-type: none"> (a) The registration form to Department of Ecology - Electronic Product Recycling Program electronically; or (b) One paper copy of the registration form to one of the following addresses: <p>For U.S. Postal Service:</p> <p>Department of Ecology Electronic Product Recycling Solid Waste and Financial Assistance Program PO Box 47600 Olympia, WA 98504-7600</p> <p>Or</p> <p>For Courier:</p> <p>Department of Ecology Electronic Product Recycling Solid Waste and Financial Assistance Program 300 Desmond Drive Lacey, WA 98503</p> <p>(8) Within 60 days of receiving the registration form, Ecology will perform a completeness review, and if deficiencies are found, Ecology will provide notice to the transporter or collector identifying deficiencies in the form and requesting a revised form.</p> <p>(9) Within 30 days of receiving a notice of deficiency, the transporter or collector must submit to Ecology a revised registration form correcting the deficiencies.</p> <p>(10) Ecology will post a list of registered transporters and collectors on the “Electronic Product Recycling Program Transporter and Collector Registration List” on the agency web site.</p> <p>(11) Updates: The transporter or collector must submit any changes to the information provided in the registration to Ecology within fourteen days of such change. Ecology will review the changes under the review process described in this section.</p>	
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Part IV: Processors

Draft Rule Language	Bill Language
<p>WAC 173-900-400 Processor registration.</p> <p>(1) In order to be used by the standard plan or an independent plan for processing services, a processor must register with Ecology.</p> <p>(2) In order to be registered with Ecology, each processor of covered electronic products in the state that plans on participating, or does participate, in the standard plan or independent plan must submit an annual registration form to Ecology.</p> <p>(3) Registration under this chapter is only for purposes of administering the Electronic Product Recycling Program, and does not constitute endorsement by Ecology of a particular registrant.</p> <p>(4) A processor is registered with Ecology when Ecology posts the processor’s company name on the “Electronic Product Recycling Program Processor Registration List” on the agency web site. This means the processor has met the registration form requirements in this section.</p> <p>(a) New registration: For processors not currently registered with Ecology under this chapter, the processor may submit the registration form to Ecology at any time.</p> <p>(b) Renewals: Ecology will accept registration renewals only between July 1 and September 1 of each calendar year. If a renewal is not received during this time period the processor will no longer be registered with Ecology and can no longer be utilized by the standard plan or an independent plan.</p> <p>(c) Updates: The processor must submit any changes to the information provided in the registration to Ecology within 14 days of such change. Ecology will review the changes under the review process described in this section.</p> <p>(5) Processors must submit a registration form, provided by Ecology, that must include:</p> <p>(a) Contact and location information;</p> <p>(b) Business license information;</p> <p>(c) Documentation of any necessary operating permits issued by state or local authorities;</p> <p>(d) Description of services provided; and</p> <p>(e) Geographic areas where electronic products are accepted from.</p> <p>(6) The registration form must be signed by:</p> <p>(a) The person responsible for implementing the requirements under this chapter for the processor. The signature certifies the company has provided accurate and complete information on the form and is in compliance with all applicable state laws and regulations.</p> <p>(b) The authority or the authorized party. This signature certifies that the authority or authorized party has received a written statement from the processor that</p>	<p>NEW SECTION. Sec. 24.</p> <p>1. Each collector and transporter of covered electronic products in the state must register annually with Ecology. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. Ecology shall develop a single form for registration of both collectors and transporters.</p> <p>2. Each processor of covered electronic products utilized by an independent or standard plan must register annually with Ecology. The registration must include identification information and documentation of any necessary operating permits issued by state or local authorities.</p>

<p>processor is in compliance with the requirements in this chapter.</p> <p>(7) The processor must either submit:</p> <ul style="list-style-type: none"> (a) The registration form to Department of Ecology - Electronic Product Recycling Program electronically; or (b) One paper copy of the registration form to one of the following addresses: <p>For U.S. Postal Service: Department of Ecology Electronic Product Recycling Solid Waste and Financial Assistance Program PO Box 47600 Olympia, WA 98504-7600</p> <p>Or</p> <p>For Courier: Department of Ecology Electronic Product Recycling Solid Waste and Financial Assistance Program 300 Desmond Drive Lacey, WA 98503</p> <p>(8) Within 60 days of receiving the registration form, Ecology will perform a completeness review, and if deficiencies are found, Ecology will provide notice to the processor identifying deficiencies in the form and requesting a revised form.</p> <p>(9) Within 30 days of receiving a notice of deficiencies, the processor must submit to Ecology a revised registration form correcting the deficiencies.</p> <p>(10) Ecology will post a list of registered processors on the “Electronic Product Recycling Program Registration List” on the agency web site.</p>	
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